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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,955	12/20/2000	Tammara Combs	80994DMW	8704

7590 09/24/2004
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EXAMINER

SAX, STEVEN PAUL

ART UNIT PAPER NUMBER

2174

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/742,955

Applicant(s)

COMBS ET AL.

Examiner

Steven P Sax

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. This application has been examined. The amendment filed 6/1/04 has been entered.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomat et al (6784925) and Schmitt (5983220).
4. Regarding claim 1, Tomat et al show navigating pictures (Figures 22, 25, column 20 lines 10-45), providing first, second, and third dimensions representing first, second, and third characteristics of grouped pictures (column 20 lines 20-50, column 21 lines 1-20), and providing in a scatter plot a plurality of pictures according to each dimension along each axis (Figure 22, 25). The third dimension is evidenced by distinct visual characteristics of the icons (indicators, Figure 22, 25, column 19 lines 35-50). Each

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picture icon indicates the set of pictures grouped using the three dimensions (Tomat et al column 19 lines 30-59).

Tomat et al do not specifically show how the pictures are retrieved from a database, where each icon represents a group of pictures in a database, but Schmitt shows this (abstract, Figure 16, 23, column 2 lines 35-65) to navigate pictures. It would have been obvious to a person with ordinary skill in the art to have this in Cohen et al, because it would provide a convenient way to navigate pictures

5. Regarding claim 2, Schmitt shows that the dimensions along the display for the icons are determined by metadata stored with the picture data (Figures 3, 9). It would have been obvious to a person with ordinary skill in the art to have this in Cohen et al, because it would provide a convenient way to navigate pictures along axes.

6. Regarding claim 3, those metadata in Schmitt are configurable by a user to represent specific characteristics and attributes (column 4 lines 25-52). This is part of the feature in which the obviousness to combine follows as above.

7. Regarding claim 4, the dimensions are linked and changes to one affect the others (Tomat et al column 19 lines 20-43).

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8. Regarding claim 5, the groups of pictures are pictures in a common strip of film (Tomat et al column 2 lines 40-60, different shots taken of the same object, also column 2 lines 30-60).

9. Regarding claim 6, the third dimension is evidenced by shading/color differences (Tomat et al Figure 22).

10. Regarding claim 7, the gradations are determinable by a user (Tomat et al column 19 lines 5-20).

11. Regarding claim 8, neither Tomat et al nor Schmitt show identifiable persons, but Official Notice is taken that this is possible. It would have been obvious to a person with ordinary skill in the art to have identifiable persons as pictures in Cohen et al, because it would be a convenient attribute or characteristic to use.

12. Regarding claim 9, Tomat et al show that the characteristics show an identifiable object (column 2 lines 20-44).

13. Regarding claim 10, Schmitt shows identifiable events (Figure 26, car feature selection). It would have been obvious to a person with ordinary skill in the art to have

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this in the pictures of Tomat et al, because it would be a convenient attribute or characteristic to use.

14. Regarding claim 11, the pictures characteristics in Tomat et al include temporal information (column 2 lines 5-25).

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15. Regarding claims 12-13, the date or time of day of capture is shown in Tomat et al (Figure 22, 25).

16. Regarding claim 14, the characteristics include identifiable capture locations (Tomat et al column 2 lines 10-21).

17. Regarding claim 15, the characteristics include explanatory comments (Schmitt Figure 16). It would have been obvious to a person with ordinary skill in the art to include this in Tomat et al, because it would provide a convenient way to navigate pictures.

18. Claims 16-30 show the same features as claims 1-15 respectively and are rejected for the same reasons.

19. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection. Mr Schindler, please feel free to call to discuss features and further claim analysis.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P Sax whose telephone number is 703-305-9582. AFTER OCTOBER 12, EXAMINER MAY BE REACHED AT **571-272-4072** The examiner can normally be reached on M-F 8:30AM - 5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


STEVEN C. KAY
PRIMARY EXAMINER